

**Marine Life Protection Act Initiative
Public Comments Received through
February 1, 2010**

**Regarding the
*Draft Regional Profile of the
North Coast Study Region
(Alder Creek to the California-Oregon Border)*
*December 2, 2009 Draft***

From: **Megan Rocha**

Date: Tue, Jan 19, 2010 at 9:58 AM

Subject: Comments Draft Regional Profile

To: Darci Connor

Cc: Evan Fox

Hello Darci,

As we discussed, please find my comments to the Draft Regional Profile attached. Many of them simply reiterate some of the things we talked about previously. And please, give me a call if you have any questions or need clarification on anything we discussed last week. Thanks.

Much peace,

Megan Rocha

Assistant Self-Governance Officer

Yurok Tribe



YUROK TRIBE

190 Klamath Boulevard • Post Office Box 1027 • Klamath, CA 95548
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January 15, 2010

Darci Connor, Marine Planner
Marine Life Protection Act Initiative
c/o California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Dear Ms. Connor;

As the MLPA Initiative Marine Planner identified to draft those portions of the Regional Profile relating to Indigenous Peoples and Tribes in the North Coast Study Region, information was provided to you from the Yurok on November 16, 2009 to be considered for inclusion in the North Coast Regional Profile. The information provided not only answered many of the questions you had posed to the Tribal Coalition, but also specific information on the Yurok Tribe. This original submission has been attached for further consideration.

As we have been discussing, to accurately describe the North Coast Study Region it is critical to discuss the Indigenous Peoples, Tribal governments, jurisdictions, and uses that comprise a significant part of the community. Moreover, it is important that the Regional Profile reflect the community and their voice.

Having said that, please strongly consider the information originally submitted as attached, as well as the comments below regarding the Draft Regional Profile. Each comment below has been identified either as a General comment or is referenced by Section, Page Number, and Heading.

Comment 1: General

Throughout the document, when describing the various levels of government within the United States, it is proper to list as Federal, Tribe, state, and local to accurately reflect the established governmental hierarchy.

Comment 2: Executive Summary, page i, Executive Summary

It is stated in the third paragraph that this document, "is intended to support the MPA planning process by providing background information and data on the ecological, socioeconomic, and governance characteristics of the north coast study region..." Given this purpose, the document falls short as it does not discuss Tribal lands and jurisdictions (socioeconomic) or Tribal governments (governance) throughout the region adequately. A suggestion is to include such information for each Tribe listed in Section 7.1.4 in a manner similar to the detail provided for Section 7.1.1. Federal Agencies and Programs, Section 7.1.2 State Agencies and Programs, and Section 7.1.3 Local Government Programs.

Comment 3: Executive Summary, page xiii, Conclusion

Currently the document reads, "Abundant marine resources support recreational and commercial activities that are important to the various coastal communities, including those of Native American peoples, in the three counties of the study region."

Suggest changing it to read, "Abundant marine resources support recreational and commercial activities that are important to the various coastal communities in the three counties of the study region. Moreover, for Indigenous Peoples in the study region, marine resources also support customary uses, such as subsistence, ceremonial, and cultural activities that are essential to the various Tribes."

This will more accurately discuss the fact that although some resources may have a recreational and commercial value for all, an additional value or meaning is placed on these resources by the Tribes that is neither recreational nor commercial.

Comment 4: Ecological Setting, page 15, Klamath River Estuary

To stay consistent with the information provided in the other estuary sections, you should include statements about the Yurok Tribe's restoration and water quality monitoring work in the lower Klamath River and estuary, and most importantly, that the entire Klamath River estuary is within the exterior boundaries of the Yurok Reservation.

Comment 5: Ecological Setting, page 35, Special-Status Species

Should have some recognition of federal trust species and federally-reserved fishing rights as applied to Tribes, in particular the Yurok Tribe.

Comment 6: Socioeconomic Setting, page 68, Native American Coastal Communities

In the first paragraph in the reference to the span of time Indigenous Peoples have inhabited the north coast, remove "for over 12,000" and replace with "since time immemorial" as this is more culturally appropriate. If this suggestion is not incorporated, please remove, "Rocha pers. comm" from the list of citations here.

Comment 7: Socioeconomic Setting, page 68, Native American Coastal Communities

In the second paragraph reading, "This has lead to culturally, politically, and socially strong Tribal organizations..." Suggestion is to strike "organizations" and replace with "Tribal governments and communities."

Comment 8: Socioeconomic Setting, page 69, Commercial Fisheries

I would mention that the Yurok Tribe manages a tribal commercial fishery, and that the pertaining data has not been included as this fishery is outside the scope of State management.

Comment 9: Socioeconomic Setting, page 90, Non-consumptive Uses

Please refer to portion submitted prior to Draft for consideration for inclusion under this heading.

The text in this section reveals certain assumptions made about non-consumptive uses; that they are not extractive, which is simply not always the case (i.e. shell collecting) and that they are recreational, again not always the case (i.e. religious/ceremonial).

Comment 10: Jurisdiction and Management, page 115, Federal, State, Local and Native American Jurisdiction and Programs

Last paragraph would be more accurate if it read:

"While the MLPA Initiative process will establish a network of MPAs, coordination and communication with many federal and state agencies, Tribal governments, and local governments is essential for successful MPA management. The next section briefly describes the given bodies within the three counties of the study region."

Comment 11: Jurisdiction and Management, page 121, Local Government Programs

Similar to Comment 1: General; This Local Government section should come after the section on Tribes.

Comment 12: Jurisdiction and Management, page 121, Native American Jurisdiction and Treaty Rights

Suggest changing title to, "Tribal Governments."

The entire first paragraph seems much more appropriate for inclusion in Section 5.2.

Each identified Tribe should have a section discussing their governance, location, socioeconomics, and any other information deemed relevant for inclusion to provide an understanding of the Tribe.

For the Yurok Tribe quite a bit of information was provided. The following is an edited version of what was originally submitted to be included for the discussion about the Yurok Tribe.

The Yurok Tribe is the largest federally-recognized Tribe in California with over 5,500 members. A self-governance Tribe that ratified the Yurok Constitution in 1993, they have a Tribal Council that governs the membership and consists of nine elected officials. Traditional Yurok law is woven into the Constitution, which mandates the Council to "[p]reserve forever the survival of our tribe and protect it from the forces which may threaten its existence; uphold and protect our tribal

sovereignty which has existed from time immemorial and which remains undiminished;... preserve and promote our culture, language, and religious beliefs and practices, and pass them on to our children, our grandchildren, and to their children and grandchildren on, forever;...restore, enhance, and manage the tribal fishery, tribal water rights, tribal forests, and all other natural resources..." (Yurok Tribe 1993). It is the duty and responsibility of the Tribal Council, government, and staff to uphold the Tribal Constitution, which is applied throughout Yurok Ancestral Territory.

Coastal lands of Yurok Ancestral Territory encompass the coast of the Pacific Ocean and lagoons stretching north from Little River in Humboldt County to Damnation Creek in Del Norte County and including from the shore in a westerly fashion to the horizon. (Yurok Tribe 1993). The Yurok Tribal Council governs the Yurok Reservation, which was formally re-established in 1988 and was explicitly recognized for the Yurok under the Hoopa-Yurok Settlement Act. The Yurok Reservation includes one mile on each side and including the Klamath River, beginning at the confluence of the Trinity and Klamath Rivers at Weitchpec downstream approximately 45 miles, extending into ocean waters, offshore the river mouth at Requa.

The Tribe and associated entities provide a wide variety of services to the community and employs over 300 people in Humboldt and Del Norte Counties, as the Reservation spans both. An aspect of provided services are several robust natural and cultural resources programs that seek to monitor, enhance, protect, and restore the Yurok cultural landscape in a tribally appropriate manner.

Comment 13: Jurisdiction and Management, page 123, Last Paragraph

Yurok Tribal citizens can sell fish within the Yurok Reservation, thus the first sentence is incorrect.

I would like to see a citation included for the final sentence regarding the applicability of California Fish and Game Code to Tribal citizens as otherwise, this is simply an assertion on the State's part.

Comment 12: General

Previously a map was provided for potential inclusion to the Regional Profile depicting land based ancestral lands of Tribes in the three counties. The request is that this map is not included in the Regional Profile or for any other purpose at this time.

Thank you for taking my comments and I look forward to reading a Final document that more accurately reflects the voice and uses of the North Coast and the governance of the Tribes.

Respectfully,



Megan Rocha
Assistant Self-Governance Officer

Attachment: North Coast Regional Profile – Yurok Tribe

Cc: MLPA Comments at MLPAComments@resources.ca.gov
Evan Fox, Principal Planner

North Coast Regional Profile – Yurok Tribe

3. Ecological Setting

3.1.10 Offshore Rocks, Pinnacles, and Islands

There are numerous offshore rocks, pinnacles, and islands included in Yurok Ancestral Territory that are part of the cultural landscape and claimed by the Yurok Tribe. Most of these rocks have traditional Yurok names, stories, resources, and uses associated. Although the Tribe does not currently have title to these areas, this claim, use, and responsibility is recognized in a Steward agreement that was signed in 2006 between the Yurok Tribe and the U.S. Bureau of Land Management for the management of the California Coastal National Monument (CCNM). As stated in the Presidential Proclamation, the CCNM was established to elevate the protection of “all unappropriated or unreserved lands and interest in lands owned or controlled by the United States in the form of islands, rocks, exposed reefs, and pinnacles above mean high tide within 12 nautical miles of the shoreline of the State of California” (Clinton 2000). Thus, the mission of the CCNM is to protect and foster an appreciation for and a stewardship of California’s coastal resources associated with the CCNM. This Steward agreement provides a framework for BLM and the Yurok Tribe to work together on meeting this mission through habitat protection, monitoring, research, public education, and other activities as related to these offshore rocks that are important for Yurok people.

3.2.3 Special-Status Species

Yurok Tribal trust species include resources associated to coastal and marine environments and fall under the auspices of federal protection in that federal agencies are obligated to fulfill commitments and responsibilities to Indian tribes as extended to tribal resources.

4. Land-Sea Interactions

4.6.1 Water Quality Monitoring Programs

The Yurok Tribe Environmental Program (YTEP) monitors water quality, including discharge, turbidity, conductivity, and temperature in the Lower Klamath River Watershed on a continual basis. The Water Division of YTEP collects data at over 20 stations located in the Lower Klamath Watershed, including the mainstem, tributaries, estuary, and at the river mouth. The objectives for this long term monitoring project are to establish baseline conditions, assess long-term trends, to provide flow regimes as related to fisheries, and to monitor long term restoration projects. U.S. Environmental Protection Agency recognizes permit certification authority under the Clean Water Act to the Yurok Tribe for projects occurring within the Yurok

Reservation. Furthermore, the Water Division is a leader in the Klamath Basin for sampling and reporting on the presence of *MICROCYSTIS aeruginosa*, a toxic blue green algae that has unknown impacts to animal species. The presence and levels of this algal toxin, as well as a host of other chemical toxins of concern identified in Yurok riverine and coastal species of interest is currently under study by the Yurok Tribe.

4.6.2 Water Quality Restoration Projects

Both the Fisheries and Watershed Restoration Programs of the Yurok Tribe conduct large and small scale riparian and stream habitat restoration projects in the lower tributaries of the Klamath River. These projects seek to restore lands within Yurok Ancestral Territory and the Yurok Reservation that have been severely impacted by private timber companies and other resource extraction activities. Assuming a stewardship role within Ancestral Territory, these Tribal departments work collaboratively on contract by agencies, such as Redwood National and State Parks, as well as Green Diamond Resource Company, a large private timber company. The purpose of these restoration projects are to increase channel and bank stability, increase sediment storage capacity, reduce sediment delivery, improve salmonid spawning and rearing, increase habitat complexity, and improve spawning gravel quality (Yurok Tribe 2009) in an effort to restore fisheries populations of the Klamath Basin.

5. Socioeconomic Setting

5.4 Commercial Fisheries

The Yurok Tribe has a federally-reserved in-river subsistence and commercial allocation to the fishery that is also recognized in California Fish and Game Code (16530-16532). The tribal commercial fisheries are managed by the Yurok Tribal Council with harvest, management, and regulation guidance from the Fisheries Program staff and a Natural Resources Committee. The commercial fisheries provides limited income to participating Tribal members and the Council ensures through allocation, an adequate amount of fish for subsistence use, particularly for elders, before determining the commercial allocation. Management is conservative and consistent with the prospective density of the runs, which in some years has meant the Tribe withheld from allowing any commercial take.

5.7 Subsistence Fisheries and Resources

Subsistence fisheries and resources continue to be strongly relied upon as primary and secondary food sources among Indigenous Peoples in the north coast study region and are, therefore, not commercial or recreationally used. This includes the continuous use of particular places to obtain these resources, whether it is by

individual(s), family(ies), village(s), and/or Tribe(s). The ocean waters and coast provide habitat for hundreds of species and subspecies of plants and animals, most of which are used for sustenance. These species are taken by several methods of gear including, but not limited to throw nets, A-frame nets, gill nets, baskets, and spears.

5.9 Non-consumptive Uses

Indigenous Peoples use the north coast study region in a variety of non-consumptive uses, many of which are conducted in a spiritual, ceremonial, and/or cultural context. Examples include the use of particular places for ceremony and prayer, areas for specific spiritual training, extraction of particular shells for regalia, and places related to traditional stories and songs. Therefore, these practices should not be restricted in any manner that would infringe on religious rights protected under applicable federal, tribal, state, and/or local law.

5.10 Cultural Uses

There are many cultural uses of the coast and ocean waters by Indigenous Peoples in California that can be consumptive and non-consumptive. Consumptive uses may be subsistence or ceremonial based for example. Non-consumptive examples may include use of the viewshed from a particular place for spiritual purposes and resources needed in creating regalia used for ceremony. Thus, these cultural uses are not recreational or commercial. Additionally, specific areas are identified for certain resources and/or uses by a given family, Tribe, or group of Tribes and some maintain aboriginal rights in these areas. Therefore, restrictions for these uses cannot be designated in those cultural use areas, often referred to as Traditional Cultural Properties.

5.10.1 Indigenous Peoples of the North Coast Study Region

Indigenous Peoples have inhabited the north coast study region since time immemorial and rely on the coast and ocean for a variety of important uses, such as spiritual, ceremonial, cultural, training, travel, subsistence, harvesting, and gathering. As an intrinsic part of the ecosystem (Eglash 2002), Indigenous Peoples steward the environment in a sustainable manner based on their traditional ecological and cultural knowledge (Anderson 2006, Heizer and Elsasser 1980), which may be defined as “a cumulative body of knowledge, practice, and belief evolving by adaptive processes and handed down through generations by cultural transmissions, about the relationship of living beings (including humans) with one another and with their environment” (Berkes et al. 2000:1252). Thus, this knowledge, identity, lifeway, and

management are very much tied to a physical place and thus, this connection cannot be removed or relocated.

At the time of the first European contacts in the north coast study region, Indigenous Peoples lived in numerous and well populated coastal and inland villages. Historic and dramatic declines in subsistence species due to factors outside the control of the Yurok Tribe and denied access to many traditional fishing and gathering areas continues to diminish the ability for Indigenous Peoples to sustain themselves and their families on traditional resources. Furthermore, limited and/or impaired resources, the psycho-social impact of denied access, alteration of the cultural landscape, and decline of culturally significant species impairs the ability of Tribes to continue the ceremonial and traditional activities required for cultural survival. Despite past federal and state policies and actions seeking to exterminate, colonize, corral, and assimilate Indigenous Peoples, many of the Tribes of the north coast study region continue to reside in or near their homelands, remain culturally intact, and continue many aspects of the traditional lifeways. This has led to culturally, politically, and socially strong Tribal organizations that are very much connected to place, although vary in capacity, membership, land status, government, and structure.

7.0 Jurisdiction and Management

7.1. Federal, Tribe, State, and Local Jurisdiction and Programs

No single federal, tribal, state, or local agency has complete jurisdiction over the coastal and marine environment. Rather, jurisdiction varies spatially and with respect to the resource being managed. The main federal, tribal, state, and local entities are highlighted below with a brief description of their role and responsibility.

7.1.4 Native American Territories and Jurisdiction

The wealth of natural resources in the region provide for a culturally and linguistically diverse area. Subsequently, there are many different and distinct Tribal groups within the three counties of the north coast study region. Distinction between Tribal groups is only one component of the societal, linguistic, ceremonial, and cultural distinctions between and within each group. Within each Tribal group there are a variety of ways in which the larger group is further segmented, each sub-set being unique, including, for example identification by band, village, family, and/or house. Groups are interconnected by complex social and trade networks, as well as trails that extend north, south and inland. Some Tribal groups resided seasonally along the coast, while others had permanent villages there. Therefore, although a majority of coastal and marine resources are used by those people residing predominately along the coast, there is significant use and meaning of resources for peoples many miles to the north, south, and inland that must also be recognized. Figure XX depicts those broader Tribal groups in Del Norte, Humboldt, and the portion of Mendocino County included

in the study region (i.e. entire county north of Alder Creek), as well as the general areas identified as Ancestral Territory for each. It should be noted that some areas are simultaneously identified by neighboring Tribes and that certain areas may be more distinctly identified as attributed to certain band(s), village(s), family(ies), and/or individual(s), which are not included in the Figure.

Federally-recognized Native American Tribes are recognized as separate and independent sovereign nations within the territorial boundaries of the United States. Tribes promulgate and administer their own laws and operate under their own Constitutions. Moreover, tribal membership is determined by the governing tribal law and as such, being classified as "Indian" due to your acceptance to a roll of a federally-recognized Tribe means this classification is not racial, but rather citizenship-based, thus making it a political classification. Tribal governments may include a single or many members from varying Tribal groups. Tribes in California have varying types of lands indentified as Indian Country, including Reservation, Rancheria, dependent communities, and allotments. Currently, there are 109 federally-recognized Native American Tribes in California, 20 of which lie within the three coastal counties of the north coast study region. In addition, there are several tribes petitioning for federal recognition, such as the Noyo River Indian Community.

Federally-recognized Tribes in the north coast study region include:

Del Norte County

Tolowa Tribe of the Smith River Rancheria
Elk Valley Rancheria
Yurok Tribe (majority of Reservation lands span Humboldt County)
Resighini Rancheria

Humboldt County

Big Lagoon Rancheria
Blue Lake Rancheria
Cher-Ae Heights Indian Community of the Trinidad Rancheria
Bear River Band of the Rohnerville Rancheria
Wiyot Tribe
Hoopa Valley Tribe

Mendocino County

Round Valley Indian Tribes of the Round Valley Reservation
Cahto Indian Tribe of the Laytonville Rancheria, California
Sherwood Valley Rancheria of Pomo Indians of California
Coyote Valley Band of Pomo Indians of California
Pinoleville Rancheria of Pomo Indians of California
Redwood Valley Rancheria of Pomo Indians of California
Manchester Band of Pomo Indians of the Manchester-Point Arena Rancheria

Hopland Band of Pomo Indians of the Hopland Rancheria
Guidiville Rancheria
Potter Valley Tribe

Each of these Tribes are distinct political entities and each have various areas each identify for subsistence, cultural, and ceremonial purposes, as well as to a lesser extent recreational and commercial uses of the coast and ocean waters within those lands they identify an ancestral, cultural, and/or Tribal connection. Each Tribe individually has a government-to-government relationship with the federal government. There are also federally obligated Trust Responsibilities that are multi-faceted.

Section for each Tribal government and/or group

Yurok Tribe:

Ancestral Territory of the Yurok people encompasses the coast of the Pacific Ocean and lagoons stretching north from Little River in Humboldt County to Damnation Creek in Del Norte County and including from the shore in a westerly fashion to the horizon. In addition to the Yurok coastal lands, Yurok Ancestral Territory extends inland along the Klamath River from the mouth of the river at Requa to the confluence of Slate Creek and the Klamath River and includes certain tributary watersheds, as well as the ceremonial high country, trails, and all usual and customary hunting, fishing, and gathering sites (Yurok Tribe 1993). At the time of anthropological documentation, within Ancestral Territory there were over seventy known villages, which are situated along the banks of the Klamath, ocean streams and lagoons (Kroeber 1925:8, Waterman 1920, Pilling 1978). Each village has its own geographical boundaries, which may include offshore rocks and pinnacles, as well as leaders, family members, and descendants who are responsible for various sites and activities. This includes places for fishing, hunting, gathering, permanent and seasonal homes, training, ceremonies, stories and songs, and spirituality. With this responsibility is the inherent requirement of stewardship and sustainability that is connected and intrinsic to place. Thus, this geography, these natural resources, the very place that is Ancestral Territory is the cultural landscape of the Yurok people and they have a traditional responsibility and aboriginal right to manage and utilize these places and resources, which has never been ceded. Within this cultural landscape are many potentially eligible Traditional Cultural Properties, many of which have been identified contiguously along the coast of Ancestral Territory (Yurok Tribe 2009a).

Environments within this geography include marine, coastal, riverine, estuarine, lagoon, forestlands (redwood, fir, oak, and pine), and high mountain. Of interest

herein are the marine, coastal, estuarine, and lagoon environments, which provide for a wealth of resources that are used for subsistence, ceremonial, and cultural purposes. These resources are gathered and fished in beach, rocky intertidal, estuary, lagoon, shallow sand, deep sand, shallow rock, deep rock, and kelp habitats. Marine and coastal resources are collected from shore and, traditionally, using ocean canoes, which were primarily used along the coast and out to offshore rocks, such as Redding Rock. Both ocean and river canoes were used in the Klamath, Little River, and Redwood Creek estuaries. There are several traditional methods of take, traditional knowledge and practices to properly manage the resources sustainably, as well as a wealth of species utilized by Yurok people that will be recognized and incorporated appropriately. This information derives from the traditional ecological and cultural knowledge held by the Tribe and recounted in oral history, anthropological, and ethnographic accounts.

Today, the Yurok people are included in several federally-recognized Tribes in the local area. However, the Yurok Tribe retains jurisdiction over the Yurok Reservation, which was formally re-established in 1988 and was explicitly recognized for the Yurok under the Hoopa-Yurok Settlement Act. The Yurok Reservation includes one mile on each side and including the Klamath River, beginning at the confluence of the Trinity and Klamath Rivers at Weitchpec downstream approximately 45 miles, extending into ocean waters, offshore the river mouth at Requa. Thus, the Klamath Estuary is included in the Yurok Reservation and, subsequently, under Tribal jurisdiction and outside the scope of MLPA. Although the Yurok Tribe does not hold title to coastal lands that lie outside the exterior boundaries of the Reservation, aboriginal rights have never been ceded and the responsibility, connection, rights, and uses of those places persists.

The Yurok Tribe is the largest federally-recognized Tribe in California with over 5,500 members. A self-governance Tribe that established a formal government and Constitution in 1993, they have a Tribal Council that governs the membership and consists of nine elected officials. Traditional Yurok law is woven into the Constitution, which mandates the Council to "[p]reserve forever the survival of our tribe and protect it from the forces which may threaten its existence; uphold and protect our tribal sovereignty which has existed from time immemorial and which remains undiminished; reclaim the tribal land base...; preserve and promote our culture, language, and religious beliefs and practices, and pass them on to our children, our grandchildren, and to their children and grandchildren on, forever; provide for the health, education, economy, and social wellbeing of our members and future members; restore, enhance, and manage the tribal fishery, tribal water rights, tribal forests, and all other natural resources; and insure peace, harmony, and protection of individual human rights among our members and among others who may come within the jurisdiction of our tribal government" (Yurok Tribe 1993). It is the duty and responsibility of the Tribal Council, government, and staff to uphold the Tribal Constitution, as well as traditional Yurok law.

The Tribe and associated entities provide a wide variety of services to the community and employs over 300 people in Humboldt and Del Norte Counties, as the Reservation spans both. An aspect of provided services are several robust natural and cultural resources programs that seek to monitor, enhance, protect, and restore the Yurok cultural landscape in a tribally appropriate manner. This includes Fisheries, Forestry, Environmental, Watershed Restoration, Wildlife, Cultural Resources Management, Heritage Preservation, Repatriation, and Land Management Programs and/or Departments. Furthermore, the Tribe has a Public Safety Department that includes officers and equipment to protect the Reservation lands, including natural resources and patrol the in-river fisheries. The Yurok Public Safety Department is operated in accordance with established Department Policies and Procedures, appropriate Tribal Ordinances, applicable Federal Law, applicable Judicial Case Law, and applicable California Law. Additionally, the Yurok Tribe has an established Tribal Court that can hear various criminal, civil, and regulatory issues. Given the infrastructure, capacity, stewardship role, and ability of the Yurok Tribe, they are potential partners in managing, monitoring, and enforcing particular MPAs.

Although the Yurok Tribe is able to provide services and some employment, the income levels on the Reservation are staggering. In the 2000 U.S. Census, the per capita income for the portion of the Reservation in Del Norte County was \$13,707 and for Humboldt County was \$6,894. Similarly, unemployment levels are alarming as the unemployment rate for the entire Reservation is 75% (Bureau of Indian Affairs 2001). More recent data (Yurok Tribe 2006), suggest that 80% Tribal Members living within Ancestral Territory lack food security, as defined by Harrison *et al.* (2002). Thus, the need for traditional sustenance is required not only for cultural survival, but also critical for use as primary and secondary food sources.

This recognized inherent need for certain resources has been affirmed by the federal government in regards to reserving an in-river fishing right within the Yurok Reservation that includes both subsistence and commercial uses of the fishery, which the Tribe manages. This exercise of Tribal management over the riverine and estuarine resources within the exterior boundaries of the Reservation is affirmed by the State of California (Fish and Game Code 16500). For marine and coastal resources found in Ancestral Territory, but outside the Reservation, the Yurok Tribe maintains aboriginal rights to these resources as these rights have never been ceded. Continuous use and management of these places since time immemorial has allowed for an unbroken connection that may not be restricted in any way.

Anderson, M.K.

2006. *Tending the Wild: Native American Knowledge and Management of California's*

Natural Resources. University of California Press, 555 pp.

- Beasley, Conger, Jr. and Guy Mount
n.d. The Yurok Redwood Canoe. In, *News from Native California*.
- Berkes, F., J. Colding, and C. Folke.
2000. Rediscovery of Traditional Ecological Knowledge as Adaptive Management. *Ecological Applications* 10:1251-1262.
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2001 Labor Statistics. Correspondence with F. Doka, Jr.
- Clinton, William.
2000 Establishment of the California Coastal National Monument. Presidential Proclamation. January 11.
- Eglash, Ron.
2002. Computation, Complexity and Coding in Native American Knowledge Systems. In J. Hankes and G. Fast (ed) *Changing the Faces of Mathematics: Perspectives on Indigenous People of North America*. Reston, VA: NCTM.
- Harrison, G.G. and C.A. Disorgra, G. Manalo-Leclair, J. Aguayo, and W. Yen.
2002 "Over 2.2 Million Low-Income California Adults Are Food Insecure; 658,000 Suffer Hunger." Policy Brief. *UCLA Center for Health Policy Research*. November.
- Heizer, R.F. and A.B. Elsasser.
1980. *The Natural World of the California Indians*. University of California Press, 271 pp.
- Kroeber, A. L.
1925 *Handbook of the Indians of California*. Reprinted 1976. Dover Publications, New York, NY.
- Pilling, Arnold R.
1978 Yurok. In, *Handbook of North American Indians*, Volume 8, California. Edited by, Robert F. Heizer, Smithsonian Institution, Washington, D.C.
- Powers, Stephen
1877 *Tribes of California: The Yurok*. United States Government Printing Office, Washington, D.C.
- Waterman, T.T.
1920 Yurok Geography. Reprint 1993, Trinidad Museum Society, Trinidad, CA.

Yurok Tribe

1993. Constitution of the Yurok Tribe. Klamath, CA.

2006 Healthy River, Healthy People, Traditional Foods Survey. unpublished data.
Klamath, CA.

2009 Annual Report. Klamath, CA.

2009a Personal Correspondence. Yurok Tribal Heritage Preservation Officer.

From: Richard Alvarez
Sent: Friday, January 22, 2010 2:45 PM
To: MLPAComments
Subject: Draft Regional Profile

My apologies for this tardy comment regarding the Draft Regional Profile for the NCR.

You acknowledge many of the efforts from various programs from Humboldt State University but lacking from this list are the contributions from the Scientific Diving Program. Students enrolled in the PE 471 Scientific Diving course have assisted with the CICORE monitoring of Eel grass depth limits in Humboldt Bay, in addition to being the divers who collect the data from the North Coast sites for Reefcheck California. We have collaborated in the past with Fish and Game to survey the PGR and conduct size/frequency surveys of Red urchins and Abalone. I do not know if it is possible to include this in the final draft of the document, but the program has been a valuable part of scientific data gathering along the north coast and is an underutilized tool that could be very valuable in the future monitoring of the proposed MPAs. Feel free to contact me at the below address if there is any way to add information about the Scientific Diving program here at HSU.

Richard Alvarez
Diving Safety Officer
Humboldt State University Scientific Diving Program



**United States Department of the Interior
California Department of Parks and Recreation**

Redwood National and State Parks
121200 Highway 101
Orick, California 95555



January 19, 2010

Mr. Evan Fox
C/o California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, California 95814

Dear Evan,

Attached is a CD with fourteen documents, reports and theses, relating to marine resources of Redwood National and State Parks (RNSP). The parks encompass 37-miles of coastline within the Marine Life Protection Act (MLPA) North Coast study region. Mostly funded by the National Park Service, the materials cover recent and past research, inventories, and monitoring of marine resources. As per our conversation with you and Melissa Miller-Hensen at the Blue Ribbon Task Force field trip on January 13, 2010, I am sending them to you for your use in the MLPA Initiative planning process.

They are as follows:

Anderson, David G. 2006. Redwood Creek Estuary Monitoring - 2005 Annual Progress Report. Unpublished report on file at South Operations Center, Redwood National and State Parks, Orick, California. 47 pp.

Bensen, Keith. 2010. Beached Seabird and Marine Mammal Carcass Monitoring – 2009 Annual Report. Unpublished report on file at South Operations Center, Redwood National and State Parks, Orick, California. 10 pp.

Borgeld, J.C., G. Crawford, S.F. Craig, E.D. Morris, B. David, D.G. Anderson, C. McGary, and V. Ozaki. 2007. Assessment of Coastal and Marine Resources and Watershed Conditions at Redwood National and State Parks, California. Task Agreement J8485040011 with Humboldt State University Foundation. Natural Resource Technical Report NPS/NRWRD/NRTR—2007/368. National Park Service, Fort Collins, Colorado. 144 pp.

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If you have any questions or comments, please contact me at (707) 465-7771 or by email at david_g_anderson@nps.gov.

Sincerely,



David G. Anderson
Fishery Biologist

Cc: Karen Garrison - NRDC

From: D Mahoney
Sent: Monday, February 01, 2010 2:24 PM
To: MLPAComments
Subject: Fw: Fwd: MPLA Initiative comment

I apologize if you have received multiple copies of this email and attachments. I have encountered typographic issues while entering the edress.

**Always,
Raja Storr**

----- Forwarded Message -----

From: Raja Storr
To: MPLAComments@resources.ca.gov
Cc: detnesh
Sent: Mon, February 1, 2010 2:18:04 PM
Subject: Fwd: MPLA Initiative comment

----- Forwarded Message -----

From: Raja Storr
To: MPLAComments@resources.ca.gov
Sent: Monday, February 1, 2010 2:13:46 PM GMT -08:00 US/Canada Pacific
Subject: Re: MPLA Initiative comment

my apology, NOW I have attached the document.

----- Original Message -----

From: Raja Storr
To: MPLAComments@resources.ca.gov
Sent: Monday, February 1, 2010 2:09:47 PM GMT -08:00 US/Canada Pacific
Subject: MPLA Initiative comment

I have attached a document formatted for word 2007 as well as one which is compatible with ms word 1997-2003. It is in response to the invited comments

regarding the MPLA Initiative.
I appreciate your consideration.

Raja Storr
Arcata, CA

HSU student
Tolowa Nation, enrolled tribal member and
Tolowa Nation, environmental committee member

1 February 2010

From: Tolowa Nation, P.O. box 213, Fort Dick, CA, 95531

RE: California Marine Life Protection Act (MPLA) Initiative

Tolowa Nation Tribal Council of Del Norte County, CA. respectfully submit the following comments in response to California Marine Life Protection Act (MPLA) proposed *Draft Regional Profile of the North Coast Study Region (Alder Creek to the California-Oregon Border)*.

Tolowa Nation Cultural Gathering and Protection Rights (CGPR) Committee member, Raja Storr, having reviewed the *Draft Regional Profile of the North Coast Study Region (Alder Creek to the California-Oregon Border)* strongly recommends that Tolowa Nation Tribal Council stand in opposition of any and all of the drafted proposed actions as offered or implied by the MPLA and the State of California. Tolowa Nation has a vested interest as a regional stakeholder in the planning process which currently is not represented.

The recommendation of opposition is based upon, but not limited to; information paraphrased or cited directly from the body the MPLA's *Draft Regional Profile*. Reference to specific portions will be identified, as necessary, in accordance with the MPLA document by section, page number and paragraph (¶) followed by Tolowa Nation's CGPR committee commentary observations. In addition to the following selected items and issues, there will follow a statement of conclusion providing an overall summary of opinion of both cultural and personal nature.

Chapter/Section/page#/¶:

Executive Summary, ¶3: *"marine protected areaswill be evaluated and redesigned with input from the public, a regional stake holder group, a science advisory team, a blue ribbon task force, the California Department of Fish and Game (DFG), the California Department of Park and Recreation and other interested parties. "*

Tolowa Nation's CGPR: The listed groups, teams, task force(s) California Departments and *"other interested parties"* as offered in the above statements is viewed to be exceptionally vague and does not adequately satisfy this committees definition of *"informative"*. Tolowa Nation's ability to participate in the planning process is hindered due to lack of representation in the regional stakeholders working group.

3.1.3 Estuaries and Lagoons, p.15, ¶3-4, "Smith River Estuary (including Tillas Slough)" and "Lake Earl"

Tolowa Nation's CGPR: These two areas are critical as numerous significant cultural sites reside within these areas of Tolowa indigenous territory. All environmental natural and cultural elements found within these areas are minimally protected by Tolowa tribal interests and are, allegedly, already under state and federal "protected status" as well.

With consideration regarding the offered statement **located on page 123, ¶13, All** descendants of the original, historical, current and future Tolowa retain inherent cultural rights pertaining to use and access of gathering, hunting, fishing, and related traditional activities includes (but is not limited to) Del Norte County, CA.

*Tolowa jurisdictional and tribal territory is as follows:

The Tolowa Nation tribal area is located between Sixes River, Oregon in the north to Wilson Creek, California in the south and east inland just past an area known as Big Flat, California. Tolowa territory consists of 955 sq. miles of area, this includes 32 miles of Pacific Ocean coastline and 35 miles of river access along the Smith River watershed. Geography dictated the tribal boundaries (Slagle).

(A legal definition of Tolowa Nation's geographic political boundaries can be located in governing document of the Constitution and bylaws)

4. Land-Sea Interactions, p. 49, ¶1: *"Important...interactions...studying associations ...may impact the effectiveness of an MPA of MPA network in meeting its objectives.*

Tolowa Nation's CGPR: The "objectives" of the MPA in the above offered statement (as well as any objective of this entire proposal) are vague, unclear, fuzzy and otherwise ill-defined throughout the document.

4. Land-Sea Interactions, p. 49, ¶13, bullet 4 (of 4): *"socioeconomic interactions between land and sea at the coastal margin where degraded water and sediment quality (e.g., leading to beach closures or seasonal bans) may affect ecotourism and management of environments"*

Tolowa Nation's CGPR: This "classification" of "land-sea interaction" is considered a surreptitious, unnecessarily wordy way of saying: "Common people who use the area will pollute it and will get in the way of those of us who want exclusive access to the resources for personal/corporate profit and gain"

7.1.4 Native American Jurisdiction and Treaty Rights: See the section as offered in its entirety.

Tolowa Nation's CGPR: The Native American Jurisdictional status of Tolowa Nation is not justified by the inadequate definition offered in this section. The failure to recognize Tolowa Nation as a Native

American sovereign nation by the State of California and the federal government is not sufficiently reasonable to exclude Tolowa Nation's right to participation in the planning process.

In conclusion, the objectives and purposes of the MPLA Initiative are unacceptable in the current state as offered by the *MPLA Initiative Draft Regional Profile*. The entire document, from beginning to end, seems to provide sufficient as well as a few questionable statistics and informational data. Yet nowhere is an absolute definition of what is offered for public consideration, other than the impression that the State of California, with consideration to the MPA, may or may not be concerned, and may or may not be acting upon, the MPLA initiative. This is disconcerting from not only an indigenous/tribal/cultural perspective but from that of a public citizen in general.

The protection and management of the environment and non-human inhabitants are of concern for all members of today's society. This includes our responsibility for future generations. If any action should be implemented by the local, state, federal and global citizens it should be societal and individual efforts to aggressively reduce the grotesque appetite of the disposable consumer mentality which is depleting the planets resources.

Source cited

Slagle, Al Logan. *Tolowa Nation Petition for Federal Recognition prepared for submission to the United States Department of Interior*. California, Humboldt State University Central Services, 1985.